

## **REMARKS**

### **1. Summary of Office Action**

In the office action mailed September May 16, 2005, the Examiner rejected claims 1, 2, 6-9, 14-18 and 20 under 35 U.S.C. § 103 as being anticipated by U.S. Patent No. 6,330,454 (Verdonk) in view of US Patent 6,115,600 (Tuohino). Further, the Examiner rejected claims 3-5, 10-13 and 19 under 35 U.S.C. § 103(a) as being obvious over a combination of Verdonk and Tuohino, further in view of US Patent 6,716,101 (Meadows).

### **2. Interview Summary**

On July 14, 2004, Applicant conducted an Examiner interview. During the interview, Applicant presented the argument that the prior art reference US Patent 6,115,600 to Tuohino did not disclose the elements of claim 1 relating to receiving a routing alias from a serving MSC and transmitting an ISUP message to the serving MSC based on the routing alias, and subsequently identifying the call at the serving MSC as a request to locate a mobile station. No other claims were discussed, no amendments were discussed, and there was no agreement regarding the scope of the prior art disclosure, or the allowability of the claims.

### **3. Amendments and Pending Claims**

As shown above, Applicant has amended claims 1 and 16, and cancelled claims 6 and 20. Therefore, now pending in this application are claims 1- 5 and 7-19, of which claims 1 and 16 are independent and the remainder of the claims are dependent. Applicant has amended claims 1 and 16 to include elements relating to the transfer of location information from the MSC to the SCP.

#### **4. The Claimed Invention**

Applicant's invention is directed to a method of locating an idle mobile unit. The invention includes initiating a call to the mobile unit using a service node. The call is originated from the service node after it receives information regarding the phone number of the lost mobile, and (in some embodiments) receiving authorization that the requester is entitled to receive the tracking information. The call from the service node to the mobile is performed using existing messaging, including having the home MSC locate the mobile, which involves receiving a routing alias in the form of a TLDN message from the serving MSC, and transmitting an ISUP message from the home MSC to the serving MSC. The serving MSC, then, recognizing the call to have originated from a service node, determines that the call is to generate location information. Claims 1 and 16 have been amended to clarify that the location information is provided to the service node in the form of a facilities available message (FAVAIL). The service node then informs the user of the location.

#### **5. Response to § 103 Rejections**

The Examiner rejected all the pending claims under 35 U.S.C. § 103(a) as being obvious over a combination of Verdonk and Tuohino, and further adds Meadows for some of the claims. According to M.P.E.P § 2143, in order to establish a prima facie case of obviousness of a claimed invention by applying a combination of references, the prior art must teach or suggest all of the claim limitations.

Neither Verdonk, Tuohino, nor Meadows, alone or in combination, show all of the elements of independent claims 1 and 16. Specifically, none of the references show the serving MSC sending location information to a service control point using a facilities available message. This element was originally in claims 6 and 20. In the Office Action of May 16, 2005, the

Examiner cited to Verdonk, col. 5, lines 51-59 as showing the MSC transmitting location information to an SCP using a facilities available message. Upon review of the cited portions of Verdonk, Applicants did not find a disclosure of the use of a facilities available message for transmitting location information.


Thus, the independent claims include limitations that are not found in the Verdonk reference, or the Tuohino and Meadows references. Because the combination of Verdonk, Tuohino and Meadows does not teach or suggest all of the claim limitations of Applicant's claims, Applicants respectfully submits that claims 1-5, and 7-19 are in condition for allowance.

#### **6. Conclusion**

Accordingly, Applicant respectfully submits that all pending claims are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney, at 312-913-3305.

Respectfully submitted,  
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